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REMARKS

Upon entry of the present response, claims 1-38 remain pending.

Initially, Applicants would like to thank the Examiner for attaching the PTO-1449 forms, which have been appropriately initialed by the Examiner to indicate consideration of the documents.

Applicants also thank the Examiner for his indication that claims 14, 15, 20, 21, 35, and 36 would be allowable if rewritten into independent form.

In the outstanding Official Action, the Examiner rejected claims 1, 2, 5-13, 16-19, 22, 23, 26-34, 37, and 38 under 35 U.S.C. § 103(a) as being unpatentable over BURG et al. (U.S. 6,456,699). The Examiner also rejected claims 3 and 24 under 35 U.S.C. § 103(a) as being unpatentable over BURG et al. in view of O'SULLIVAN (U.S. 5,493,608). The Examiner also rejected claims 4 and 25 under 35 U.S.C. § 103(a) as being unpatentable over BURG et al., and in view of DEWAN (U.S. 6,654,447).

Applicants respectfully traverse the rejections under 35 U.S.C. § 103(a).

In applying BURG et al., the Examiner correctly notes that BURG et al. fails to teach that the main or sub-menu messages represent a procedure and/or task. However, the Examiner indicates that the content of each message in the menu or sub-menu is a "Design Choice". Further, the Examiner speculates about an imaginary IVR menu (see Office Action of January 4, 2006, page 3), which is not supported by BURG et al., nor by any of the references relied upon by the Examiner. In fact, BURG et al. provides absolutely no reason or motivation for the modification necessary to arrive at the claimed invention.

BURG et al. teaches an IVR menu structure in which the caller is provided with choices such as women's clothing, men's clothing, children's clothing, contacting customer support, and checking on a previous order (Fig. 2, col. 38-44). BURG et al. also discloses sub-menu choices, such as accessories, shirts/blouses, pants/slacks, shoes, general categories, and store location (Fig. 2, col. 44-47). The BURG et al. menu selections are not instructions for performing a task or procedure, as recited in the claims of the present application.

A hypothetical "Design Choice" in view of BURG et al. may be, for example, an IVR menu structure in which the caller is provided with choices such as women's fashion, men's fashion, etc. and sub-menu choices such as perfumes, neckwear, etc. In the aforementioned hypothetical, no distinction is apparent in view of BURG et al. In both the hypothetical and BURG et al., menu and sub-menu choices merely comprise departments and sub-departments for a merchandiser.

In direct contrast, the menu messages and sub-menu messages in the claims of the present invention comprise more than a mere design choice. The menu messages and sub-menu messages of the present invention define presenting a sequence of instructions which is distinct over BURG et al. Further, BURG et al. provides absolutely no reason or motivation for the modification to arrive at the claimed invention.

The features of the claimed invention perform functions different than that of the BURG et al. For example, claim 1 recites, *inter alia*, a method of sequentially presenting instructions...comprising...presenting a main menu comprising a plurality of messages to the caller, each main menu message representing a

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procedure...presenting a sequence of instructions to the caller according to a selection by the caller, each instruction identifying a task to be performed by the caller that is distinct from interaction with the IVR system, wherein the tasks collectively constitute the procedure. Claim 19, recites, *inter alia*, a system comprising an interactive voice response (IVR) unit that...presents a sequence of instructions to the caller, automatically pauses the sequence of instructions...so as to permit the caller to perform a task identified in an instruction that is distinct from interaction with the IVR. Claim 22, recites, *inter alia*, a presenting code segment that... presents a sequence of instructions to the caller, each instruction identifying a task distinct from interaction with the IVR system.

Certainly, the presenting of a sequence of instructions identifying tasks to be performed by a caller (distinct from interaction with an IVR) is distinct and non-obvious over BURG et al., which teaches an IVR that routes callers to departments and sub-departments. It is clear that BURG et al. does not teach an IVR that allows a caller to perform a series of sequential tasks based on an instruction set. BURG et al. also provides no reason or motivation to make the changes necessary to arrive at the claimed invention.

Applicants submit that claims 1, 19, and 22 are in condition for allowance. With regard to dependent claims 2-13, 16-18, 23-34 and 37-38, Applicants assert that they are allowable on their own merit, in addition to being allowable by depending either directly or indirectly from independent claims 1, 19, or 22 which Applicants have shown to be allowable.

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Thus, it is respectfully submitted that all of the claims in the present application are clearly patentable over the references cited by the Examiner, either alone or in any proper combination, and an indication to such effect is respectfully requested, in due course.

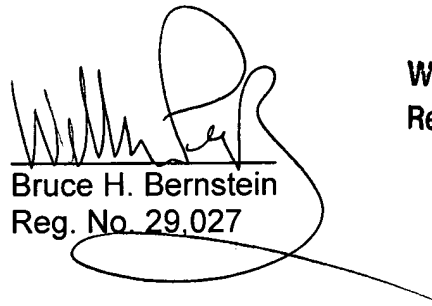
Accordingly, Applicants respectfully request reconsideration and withdrawal of the outstanding rejections of the claims, as well as an indication of the allowability of each of the claims in view of the remarks.

SUMMARY AND CONCLUSION

Applicants believe that the present application is in condition for allowance, and respectfully request an indication to that effect. Accordingly, reconsideration of the outstanding Official Action and allowance of the present application and all the recited claims are respectfully requested and now believed to be appropriate.

Should the Examiner have any questions, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,  
Philip KORTUM et al.

A handwritten signature in black ink, appearing to read 'Bruce H. Bernstein', is written over a horizontal line. A large, loopy flourish extends from the end of the signature, looping back under the text 'Reg. No. 29,027'.

Bruce H. Bernstein  
Reg. No. 29,027

William Pieprz  
Reg. No. 33,630

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GREENBLUM & BERNSTEIN, P.L.C.  
1950 Roland Clarke Place  
Reston, VA 20191  
(703) 716-1191